

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RALPH E. SWAN,)	
)	
Petitioner,)	
)	
vs.)	Civ. No. 05-088-KAJ
)	
DAVID JONES, JOHN GARRY,)	
ROBERT O'NEIL, ANDREW)	
WITHERELL, and JOHN E.)	
BABIARZ, JR.,)	
)	
Respondents.)	

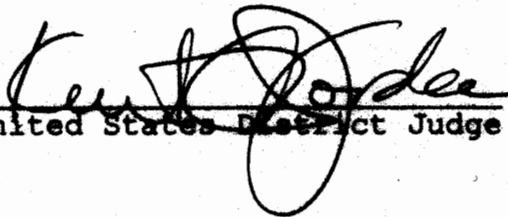
O R D E R

WHEREAS, the above captioned petition for writ of habeas corpus was docketed on February 16, 2005 (D.I. 2) and petitioner's election pursuant to United States v. Miller, 197 F.3d 644 (3d Cir. 1999), and Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000) was due on April 1, 2005;

WHEREAS, the petitioner returned the election form to the Court on March 16, 2005 (D.I. 5) indicating that petitioner wishes to withdraw his § 2254 petition without prejudice to file one all-inclusive petition in the future within the one-year period as defined by 28 U.S.C. § 2244(d), see Swartz v. Meyers, 204 F.3d 417 (3d Cir. 2000);

NOW, THEREFORE, IT IS ORDERED this 30th day of March, 2005, that petitioner's request to withdraw

the petition is GRANTED, and the petition is DISMISSED WITHOUT PREJUDICE.


United States District Judge